



Sheffield's Hospice

## Equality, Diversity and Human Rights for Patients Policy

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### Version History

| <b>VERSION</b> | <b>DATE ISSUED</b> | <b>ISSUED TO</b>     | <b>BRIEF SUMMARY OF CHANGES</b> |
|----------------|--------------------|----------------------|---------------------------------|
| 1.0            | October 2022       | Patient-facing staff | New policy                      |
| 2.0            | April 2025         | Patient-facing staff | Changed DNACPR to ReSPECT       |

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## Summary

St Luke’s Equality, Diversity and Human Rights (EDHR) for Patients Policy is an overarching guide to the principles that the organisation should follow when providing services to our patients and clients. This policy will enable St Luke’s to recognise and respond to the diversity of our patients and clients thus delivering high quality services. The requirements underpinning this policy of legislation, coupled with expectations of commissioners, regulators, service users and communities mean that St Luke’s must be able to show how our services are meeting the needs of everyone in our community.

## Definitions

In the context of this policy, St Luke’s takes **equality** to mean: equality of access to care and services; equality of outcomes from our services; and the contribution our services can make in supporting peoples’ equality of opportunity to participate in and contribute fully to society.

St Luke’s takes **diversity** in the context of this policy to mean: the acknowledgement of the existence of different characteristics in a group of people. These characteristics could be everything that makes each person unique from personality traits to cognitive abilities, in addition to things which shape their identity as set out in The Equality Act 2010 list of protected characteristics.

In promoting patients’ **human rights** in the context of this policy, St Luke’s will work with patients to: ensure their understanding of choices available to them; respect their privacy, dignity and independence; ensure they experience safe and appropriate individualised care and services which meets their needs and protects their rights; safeguard them from abuse.

**Harassment** in the context of this policy is when a person is subject to unwanted conduct that has the purpose or effect of violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

**Discrimination** in the context of this policy is unequal or differential treatment which leads to one person being treated more or less favourably than others are – or would be – treated in the same or similar circumstances on the grounds of one or more the protected characteristics as defined in the Equality Act. Discrimination may be direct or indirect, and includes discrimination by perception and association.

**Victimisation** in the context of this policy occurs when a person is treated less favourably than others because they have complained about discrimination or helped someone who has been discriminated against.

### **Principles of equality, diversity and human rights: The Equality Act 2010 and The Human Rights Act 1998**

The Equality Act 2010 outlaws direct and indirect discrimination, harassment and victimisation of people with relevant protected characteristics, and requires reasonable adjustments be made for disabled people and those who require additional support in accessing information and services. The protected characteristics as set out in the Act are:

- Age (including specific ages and age groups)
- Disability (including illnesses such as cancer and HIV, and includes physical and mental conditions)
- Gender reassignment (at any stage)
- Marriage and civil partnership
- Pregnancy and maternity
- Race (including colour, nationality and ethnic or national origins)
- Religion or belief (including lack of religion or belief; belief can be religious or philosophical)
- Sex
- Sexual orientation

Within the Equality Act, at section 149(1) it details “public sector equality duty”. This applies to most public authorities and bodies exercising public functions and requires them in doing so to:

- Eliminate discrimination, harassment and victimisation and other conduct prohibited by the act
- Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it
- Foster good relations between persons who share a relevant protected characteristic and those who do not share it
- “Marriage and civil partnership” are excluded from the duty.

For the purposes of this policy, hospices that provide services commissioned by the NHS as St Luke's does are determined to become subject to the public sector equality duty. St Luke's therefore will take the aforementioned requirements into consideration when planning and delivering our services to patients and clients by also:

- Pursuing equity in relation to who uses hospice services
- Identifying and reducing barriers to services
- Encouraging people with protected characteristics to make use of the services of the hospice where their participation is low

The Human Rights Act 1998 (HRA) sets out the fundamental rights and freedoms that everyone in the UK is entitled to. It incorporates the rights set out in the European Convention on Human Rights into domestic British law which is current at the time of writing.

The Human Rights Act protects 16 rights within Articles, the most relevant to St Luke's with associated challenges within provision of palliative care being:

- Article 2: Right to life – withdrawing and administering treatment, protecting life
- Article 3: Right not to be tortured or treated in an inhuman or degrading way – neglect, withdrawing treatment, pain relief
- Article 5: Right to liberty – capacity, consent to treatment, deprivation of liberty
- Article 8: Right to respect for private and family life, home and correspondence – right to refuse treatment, end of life care,
- Article 9: Right to freedom of thought, conscience and religion – religious and other beliefs that influence care and treatment
- Article 14: Right not to be discriminated against in relation to any of the human rights listed here – equality, treating people differently

In addition, St Luke's may find the following Articles relevant for consideration in specific circumstances:

- Article 10: Right to freedom of expression – ability of expression in the context of disease progression
- Article 12: Right to marry and found a family – facilitation of last wishes to marry
- Article 1, Protocol 1: Right to peaceful enjoyment of possessions – admission to inpatient services and its limitations

Charity Commission guidance has suggested that as a result of providing services on behalf of public bodies, hospices are likely to fall within the remit of the Human

Rights Act in respect of those services. However, “private acts” carried out by the charities fall outside the Act. The key to determining if the action is included in the Act is whether it carries out a public function; e.g. recruitment would be a private act and is therefore excluded (however many aspects of recruitment are subject to the statutory regulations of employment law and so will necessarily adhere to the provisions within the Human Rights Act).

### Summary and monitoring

St Luke’s has systems and processes in place to support the tenets of this policy when caring for and providing services to our patients and clients. In particular, our ReSPECT and Advanced Care Planning, and end of life palliative care planning processes support and respect patients’ rights to make decisions in the context of the principles set out in this policy. Should there be any breach of this policy, this will be recorded as an incident and thoroughly investigated in line with our incident management policy.

When planning and delivering our services, St Luke’s will seek to include views and opinions of our patients and clients to further support our commitment to this policy. St Luke’s will actively monitor the delivery of care and services in the context of this policy, working to reduce barriers to access and openly encouraging diversity in our services.

Should an instance occur where it is considered necessary to deviate from adherence of this policy, then legal advice will be sought with regard to the situation, which might require regulatory approval before an action is taken. Where a breach of this policy is identified, the appropriate regulatory body or bodies will be informed as appropriate and their advice and guidance will be followed with regard to any remedy.

### References

Care Quality Commission: our updated human right approach  
<https://www.cqc.org.uk/about-us/our-updated-human-rights-approach/human-rights-articles-relevant-health-and-social-care> [accessed April 2025]

The Equality Act 2010 legislation  
<https://www.legislation.gov.uk/ukpga/2010/15/contents> [accessed April 2025]

Human Rights Act 1998 legislation  
<https://www.legislation.gov.uk/ukpga/1998/42/contents> [accessed April 2025]